

MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY ENVIRONMENTAL JUSTICE WORK GROUP

NOVEMBER 10, 2008

Attendance:

- Steven E. Chester, Director, Michigan Department of Environmental Quality
- Sylvia Elliott, Office of Legal Affairs Director, Michigan Department of Civil Rights
- Jennifer Evans, Southeast Michigan Council of Governments
- Bryce Feighner, Air Quality Division, Michigan Department of Environmental Quality
- Lisa Goldstein, Executive Director, Southwest Detroit Environmental Vision
- Brad van Guilder, Organizer, Ecology Center
- Chuck Hersey, Environmental Manager, Southeast Michigan Council of Governments
- Abed Houssari, Manager, DTE Energy
- Brian Kandler, Detroit Regional Chamber
- Paul Mohai, Professor, University of Michigan School of Natural Resources
- Stacy Muniz, Special Assistant, Michigan Department of Civil Rights
- Dipo Oyinsan, Michigan Department of Environmental Quality
- Linda V. Parker, Director, Michigan Department of Civil Rights
- Anjali Patel, University of Michigan
- Frank Ruswick, Senior Policy Advisor, Michigan Department of Environmental Quality
- Pamela L. Smith, Saginaw County Depart. Of Public Health
- Sara Smith, Office of Great Workplace Development
- Donele Wilkins, Detroiters Working for Environmental Justice
- Olatunbosun Williams, Michigan Department of Transportation

I. Welcome & Logistics

The meeting was called to order at 1:20 by facilitator Sara Smith.

II. Validate Meeting Minutes

The minutes of the September 8, 2008, workgroup meeting were approved as presented.

III. Operating Charter & Guidelines

The Environmental Justice Workgroup Meetings Operating Charter and Guidelines was handed out and reviewed.

- A. Roles and Responsibilities of Group.** This working group is the primary forum for discussion. Additional names were submitted and recommended for addition to this group – Kerry Moss, Director of ACLU of MI, Ray Scott, City of Detroit - a formal invitation will be sent out. Others can also be added to the resource list. There are 10-12 people on the current resource list. There was a recommendation

to add company representatives –i.e. Waste management representative. It was agreed that other company representatives will be sought out.

- B. Role of Executive Committee Two proposals were presented and reviewed (Proposal for Creating Ad Hoc Committees to Resolve Disagreements and Reach Consensus; Proposal for Creating Subgroup Committees to Brainstorm different components of the EJ policies and procedures and provide recommendation to the larger working group). It was suggested that one purpose for the executive committee is to move the program along and the other purpose is to resolve conflict. It was proposed that the ad hoc committee would take the later function.

1. Proposal for Ad Hoc Committee

- A discussion ensued regarding when the use of an ad hoc committee would be appropriate. It was suggested that the committee not break out to an ad hoc committee meeting over every disagreement. It was suggested that with regard to issue resolution there are often multiple perspectives not just two sides. As such, when an ad hoc committee is charged, there should be adequate representation on the entire issue.
- On the Proposal for Creating Ad Hoc Committees to Resolve Disagreements and Reach Consensus, under bullet item #1, a word change will be entered from “compromise” to “resolve the issue”.
- The working group can decide whether or not to submit an issue to the ad hoc committee or come back and deal with the issue again at a later date to see if it can be resolved before sending to the ad hoc committee

2. Proposal for Subgroup Committee to Brainstorm

- The work group can decide when the sub-committee group needs to meet - either during the regular work group time or during a separate conference call.
- There are two months in between meetings so when there is an issue that needs to be decided by a subgroup or ad hoc group, someone will take the lead as a group/team leader and prepare a presentation on the matter for the next meeting.
- The resource group is made up of people with different levels of expertise in given areas. The working group members who wanted to, could join up with the resource group members. As such, the resource group would be activated as the subgroup committee to brainstorm when an appropriate issue arises.

- The resource group list needs to be developed further to be completely inclusive of individuals who are experts on the given subject matter areas. The resource group list should be a growing list.

IV. How to Incorporate Public Involvement

A. There was a review of how to incorporate public involvement recommendations. A handout was submitted for review. It was discussed that the group could make a master list of all individuals who have been involved in public meeting with the various agencies and identify individuals who have dealt with more than one agency. Out of that create a stakeholder group of those who have had involvement with public meeting with multiple agencies.

B. It was also suggested that the group use the Charette system. The Charrette System is a collaborative planning process that harnesses the talents and energies of all interested parties to create and support a feasible plan that represents transformative community change. The process would be driven by the concerns of local residents. The following questions would focus discussions: a) what are the assets of your community; b) what are the problems within your community; c) what is your vision for your community with regard to environmental justice, d) do any of the goals or solutions proposed by the Environmental Justice work group work as a solution for your community; d) what would you recommend as a better solution.

C. Stakeholder Groups - The suggestion is for a parallel discussion: community meetings and work group strategic planning. This way the public is actively engaged in the development of the environmental justice policy and plan.

Discussion:

- It was advised that it would be more helpful to get feedback earlier rather than later. It was also advised that this may be very labor intensive and the departments may not have the time. Therefore, it was suggested that the community meeting be limited – a certain number of meetings around the state.
- The desired outcome is to understand the various perspectives that are out there and to ensure that any plan that is created address them as opposed to hearing from as many people as possible.
- It was suggested that the public participation options as they are currently written will be very time consuming and there may not be resources available to do it.
- It was noted that because of transportation issues, public participation meetings are utilized as an avenue to propagate the word about environmental justice efforts. Another avenue is to take advantage of existing groups.

- We need to decide what is a manageable effort – three meetings. We also need to determine what other groups are out there that we can do some networking with and see if they have an interest in assisting to put together a public forum. Where it's possible, it would be good to take advantage of local foundations or groups to do the leg work. We should also look at using combined resources. We could also request that different groups come in and share their perspectives on environmental justice.
- We should try to get each agency's environmental justice contact list.
- We need to decide which direction we're going to go in – where are we going to spend most of our time – going out getting the public perspective or relying on the expertise within the working group to create the environmental justice plan.
- For our work to have any credibility we need to get public input but there also has to be a limit.
- It is suggested that a subgroup be formulated to determine what's the best use of time and resources.
- We should also look at what the other states have done instead of reinventing the wheel – for setting up a plan.
Sylvia Elliott and Abed Houssari volunteered to get links for the various websites of other states and their plans.

It was also suggested that we look at the local governments and what they've already done.

- Combined agency list – this could be done with some devotion of resources. But those lists are going to be populated with people who come from more than just an environmental justice frame work.
- We need to make sure we don't go out to early to the public.
- Final thought – refine the public participation options – Steve Chester will join the work group and assist with refining the options and creating a framework/template for each time we go out to the public. They will present at the next meeting. It would be helpful if all work group members wrote down and submitted their suggestions. We need to make sure the website is not the exclusive tool we use for communicating these objectives.

V. Determine Relative Priority Issues

Review of draft list of components of the environmental justice executive directive

Components were listed

Disparate Impacts – discriminatory and disproportionate impact

A discussion took place regarding Distributive, Procedural & Corrective Justice as it relates to disparate impacts.

Petitions Process

Public Participation

Integration into DEQ activities

Inter-Departmental integration

Role of local units of government

Federal requirements

Monitoring

Discussion:

- What are the tools, i.e. evaluation, monitoring, available to the agencies to bring about results?
- How do we encourage positive alternatives through these components?
Answer: Coordination of government activities to encourage and facilitate work across institutional boundaries.
- We need to make sure we look at the concepts behind the executive directive and ensure we are not distracted by individual words in the short hand of the components. Each component was meant as a way of subdividing the directive. But we need to continually go back to the directive to ensure that we cover all aspects of each component.
- It was agreed that these are the right components.
- *Remove Federal requirements and change it to federal guidelines.* Make this a portion of the evaluation of each component. This is more of an information piece to see how the federal government and other states have dealt with it. We can use their actions as a guide. We may want to invite EPA Region 5 office to a meeting.
- The components were prioritized as follows:

Disparate Impact – High

(Note: We need to remember to be objective when discussing the different perspectives on this when we enter a discussion about disparate impact.)

Petition Process – Medium

Public Participation – High

Integration into DEQ activities - Medium
Inter-departmental integration - Medium
Role of local units of government - Low
Monitoring - Low

VI. Next Meeting Topics

- A. Disparate Impact – Sub-team to meet and present at next meeting
Abed Houssari, Bryce Feighner*, Sylvia Elliott, Donele Wilkins*, Ola Williams
and Paul Mohai
- The group will also call on individuals from the resource list to assist and possibly present at next meeting. (*Team Leaders)
 - The group will frame the various perspectives on disparate impact
 - Devan Payne Sturgis – EPA to present
 - The group will structure the discussion for the next meeting
- B. EPA Region 5 presentation on federal guidelines
C. Other states who should present regarding guidelines
D. Outreach

Next Meeting – Monday, January 12, 2009, in Lansing area at the Rachel Earl Learning Center in Dimondale.